

1987 Assembly Bill 509

Date of enactment: **April 8, 1988**  
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## 1987 Wisconsin Act 215

AN ACT to renumber 146.82 (3); to amend 343.16 (2) (a); and to create 146.82 (3) (b) and 449.20 of the statutes, relating to disclosure of information affecting a person's ability to operate a motor vehicle and providing for immunity.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 146.82 (3) of the statutes, as created by 1987 Wisconsin Act .... (1987 Senate Bill 213), is renumbered 146.82 (3) (a).

SECTION 2. 146.82 (3) (b) of the statutes is created to read:

146.82 (3) (b) Notwithstanding sub. (1), an optometrist who examines a patient whose vision in the optometrist's judgment affects the patient's ability to exercise reasonable and ordinary control over a motor vehicle may report the patient's name and other information relevant to the condition to the department of transportation without the informed consent of the patient.

SECTION 3. 343.16 (2) (a) of the statutes, as affected by 1987 Wisconsin Acts 3 and .... (1987 Senate Bill 213), is amended to read:

343.16 (2) (a) The secretary may require any applicant for a license or any licensed operator to submit to a special examination by such persons or agencies as the secretary may direct to determine incompetency, physical or mental disability, disease or any other condition which might prevent such applicant or licensed person from exercising reasonable and ordinary control over a motor vehicle. When the department requires the applicant to submit to an examination, the applicant shall pay the cost thereof. If the department receives an application for a renewal or duplicate license after voluntary surrender under s. 343.265 or receives a report from a physician or optometrist under s. 146.82 (3), or if the department has a report of

2 or more arrests within a one-year period for any combination of violations of s. 346.63 (1), or a local ordinance in conformity therewith, or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, the department shall determine, by interview or otherwise, whether the operator should submit to an examination under this subsection. The examination may consist of an assessment. If the examination indicates that education or treatment for a disability, disease or condition concerning the use of alcohol or a controlled substance is appropriate, the department may order a driver safety plan in accordance with s. 343.30 (1q). If there is noncompliance with assessment and the driver safety plan, the department shall suspend the person's operating privilege in the manner specified in s. 343.30 (1q) (d).

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SECTION 4. 449.20 of the statutes is created to read:

**449.20 Civil immunity.** No optometrist shall be liable for any civil damages for either of the following:

(1) Reporting in good faith to the department of transportation under s. 146.82 (3) a patient's name and other information relevant to the vision of the patient which in the optometrist's judgment impairs the patient's ability to exercise reasonable and ordinary control over a motor vehicle.

(2) In good faith, not reporting to the department of transportation under s. 146.82 (3) a patient's name and other information relevant to the vision of the patient which in the optometrist's judgment does not impair the patient's ability to exercise reasonable and ordinary control over a motor vehicle.